

P&G Case 8591

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of :
John J. Curro, et al. : Confirmation No. 6717
Serial No. 09/886,893 : Group Art Unit 1771
Filed June 21, 2001 : Examiner J. L. Befumo

For USER-ACTIVATABLE SUBSTANCE DELIVERY SYSTEM

TERMINAL DISCLAIMER

Commissioner for Patents

P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Petitioner, The Procter & Gamble Company, is the owner of the entire right, title and interest in the above-identified application (the assignment recorded on September 24, 2001 at reel 012198, frame 0387). Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173 as presently shortened by any terminal disclaimer, of co-pending Patent Application Nos. 09/886,740; 09/886,828; 09/886,830; and 09/886,831. The evidentiary documents for the assignments have been reviewed, and petitioner certifies that to the best of petitioner's knowledge and belief, title is in the assignee to take this action. Petitioner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and any patent granted on any of the co-pending applications listed above are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of any patent granted on any of the co-pending applications listed above, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by

a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Authorization is given to charge Deposit Account No. 16-2480 for the fee required under 37 C.F.R. §1.20 (d) for submission of this Terminal Disclaimer. A duplicate copy of this correspondence is enclosed to facilitate charging of the fee.

Respectfully submitted,

JOHN J. CURRO, ET AL.

By Angela Marie Stone
Angela Marie Stone
Attorney for Applicants
Registration No. 41,335
(513) 634-9397

October 4, 2004

Customer No. 27752

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

FEE TRANSMITTAL for FY 2005		Complete if Known	
Patent fees are subject to annual revision.		Application Number	09/886,893
		Confirmation Number	6717
		Filing Date	June 21, 2001
		First Named Inventor	Curro
		Examiner Name	J. L. Befumo
		Art Unit	1771
TOTAL AMOUNT OF PAYMENT (\$) 110.00		Attorney Docket No.	8591

METHOD OF PAYMENT			FEES CALCULATION (continued)																																																																																												
<p>1. [X] The Director is hereby authorized to charge indicated fees submitted on this form, credit any over payments, and charge any additional fee(s) during the pendency of this application to:</p> <p>Deposit Account Number: 16-2480 Deposit Account Name: The Procter & Gamble Company</p>			<p>3. ADDITIONAL FEES</p> <table border="0"> <tr> <td>Code (\$)</td> <td>Fee Description</td> <td>Fee Paid</td> </tr> <tr> <td>1051 130</td> <td>Surcharge-late filing fee or oath</td> <td><input type="checkbox"/></td> </tr> <tr> <td>1052 50</td> <td>Surcharge-late provisional filing fee or cover sheet</td> <td><input type="checkbox"/></td> </tr> <tr> <td>1053 130</td> <td>Non-English specification</td> <td><input type="checkbox"/></td> </tr> <tr> <td>1812 2,520</td> <td>For filing a request for <i>ex parte</i> reexamination</td> <td><input type="checkbox"/></td> </tr> <tr> <td>1804 920*</td> <td>Requesting publication of SIR prior to Examiner's action</td> <td><input type="checkbox"/></td> </tr> <tr> <td>1805 1,840*</td> <td>Requesting publication of SIR after Examiner's action</td> <td><input type="checkbox"/></td> </tr> <tr> <td>1251 110</td> <td>Extension for reply within 1st month</td> <td><input type="checkbox"/></td> </tr> <tr> <td>1252 430</td> <td>Extension for reply within 2nd month</td> <td><input type="checkbox"/></td> </tr> <tr> <td>1253 980</td> <td>Extension for reply within 3rd month</td> <td><input type="checkbox"/></td> </tr> <tr> <td>1254 1,530</td> <td>Extension for reply within 4th month</td> <td><input type="checkbox"/></td> </tr> <tr> <td>1255 2,080</td> <td>Extension for reply within 5th month</td> <td><input type="checkbox"/></td> </tr> <tr> <td>1401 340</td> <td>Notice of Appeal</td> <td><input type="checkbox"/></td> </tr> <tr> <td>1402 340</td> <td>Filing a brief in support of an appeal</td> <td><input type="checkbox"/></td> </tr> <tr> <td>1403 300</td> <td>Request for oral hearing</td> <td><input type="checkbox"/></td> </tr> <tr> <td>1451 1,510</td> <td>Petition to institute a public use proceeding</td> <td><input type="checkbox"/></td> </tr> <tr> <td>1452 110</td> <td>Petition to revive - unavoidable</td> <td><input type="checkbox"/></td> </tr> <tr> <td>1453 1,370</td> <td>Petition to revive - unintentional</td> <td><input type="checkbox"/></td> </tr> <tr> <td>1501 1,370</td> <td>Utility issue fee (or reissue)</td> <td><input type="checkbox"/></td> </tr> <tr> <td>1502 490</td> <td>Design issue fee</td> <td><input type="checkbox"/></td> </tr> <tr> <td>1460 130</td> <td>Petitions to the Commissioner</td> <td><input type="checkbox"/></td> </tr> <tr> <td>1807 50</td> <td>Processing fee under 37 C.F.R. 1.17(q)</td> <td><input type="checkbox"/></td> </tr> <tr> <td>1806 180</td> <td>Submission of Information Disclosure Statement</td> <td><input type="checkbox"/></td> </tr> <tr> <td>1809 790</td> <td>Filing a submission after final rejection (37 CFR § 1.129(a))</td> <td><input type="checkbox"/></td> </tr> <tr> <td>1810 790</td> <td>For each additional invention to be examined (37 CFR § 1.129(b))</td> <td><input type="checkbox"/></td> </tr> <tr> <td>1801 790</td> <td>Request for Continued Examination (RCE)</td> <td><input type="checkbox"/></td> </tr> <tr> <td>1802 900</td> <td>Request for expedited examination of a design application</td> <td><input type="checkbox"/></td> </tr> <tr> <td>1454 1370</td> <td>Acceptance of unintentionally delayed claim for priority under 35 U.S.C. 119, 120, 121, or 365 (a) or (c)</td> <td><input type="checkbox"/></td> </tr> <tr> <td colspan="3">Other fee (specify) <u>Terminal Disclaimer</u> <input checked="" type="checkbox"/></td> </tr> <tr> <td colspan="3">Other fee (specify) _____ <input type="checkbox"/></td> </tr> </table>			Code (\$)	Fee Description	Fee Paid	1051 130	Surcharge-late filing fee or oath	<input type="checkbox"/>	1052 50	Surcharge-late provisional filing fee or cover sheet	<input type="checkbox"/>	1053 130	Non-English specification	<input type="checkbox"/>	1812 2,520	For filing a request for <i>ex parte</i> reexamination	<input type="checkbox"/>	1804 920*	Requesting publication of SIR prior to Examiner's action	<input type="checkbox"/>	1805 1,840*	Requesting publication of SIR after Examiner's action	<input type="checkbox"/>	1251 110	Extension for reply within 1 st month	<input type="checkbox"/>	1252 430	Extension for reply within 2 nd month	<input type="checkbox"/>	1253 980	Extension for reply within 3 rd month	<input type="checkbox"/>	1254 1,530	Extension for reply within 4 th month	<input type="checkbox"/>	1255 2,080	Extension for reply within 5 th month	<input type="checkbox"/>	1401 340	Notice of Appeal	<input type="checkbox"/>	1402 340	Filing a brief in support of an appeal	<input type="checkbox"/>	1403 300	Request for oral hearing	<input type="checkbox"/>	1451 1,510	Petition to institute a public use proceeding	<input type="checkbox"/>	1452 110	Petition to revive - unavoidable	<input type="checkbox"/>	1453 1,370	Petition to revive - unintentional	<input type="checkbox"/>	1501 1,370	Utility issue fee (or reissue)	<input type="checkbox"/>	1502 490	Design issue fee	<input type="checkbox"/>	1460 130	Petitions to the Commissioner	<input type="checkbox"/>	1807 50	Processing fee under 37 C.F.R. 1.17(q)	<input type="checkbox"/>	1806 180	Submission of Information Disclosure Statement	<input type="checkbox"/>	1809 790	Filing a submission after final rejection (37 CFR § 1.129(a))	<input type="checkbox"/>	1810 790	For each additional invention to be examined (37 CFR § 1.129(b))	<input type="checkbox"/>	1801 790	Request for Continued Examination (RCE)	<input type="checkbox"/>	1802 900	Request for expedited examination of a design application	<input type="checkbox"/>	1454 1370	Acceptance of unintentionally delayed claim for priority under 35 U.S.C. 119, 120, 121, or 365 (a) or (c)	<input type="checkbox"/>	Other fee (specify) <u>Terminal Disclaimer</u> <input checked="" type="checkbox"/>			Other fee (specify) _____ <input type="checkbox"/>		
Code (\$)	Fee Description	Fee Paid																																																																																													
1051 130	Surcharge-late filing fee or oath	<input type="checkbox"/>																																																																																													
1052 50	Surcharge-late provisional filing fee or cover sheet	<input type="checkbox"/>																																																																																													
1053 130	Non-English specification	<input type="checkbox"/>																																																																																													
1812 2,520	For filing a request for <i>ex parte</i> reexamination	<input type="checkbox"/>																																																																																													
1804 920*	Requesting publication of SIR prior to Examiner's action	<input type="checkbox"/>																																																																																													
1805 1,840*	Requesting publication of SIR after Examiner's action	<input type="checkbox"/>																																																																																													
1251 110	Extension for reply within 1 st month	<input type="checkbox"/>																																																																																													
1252 430	Extension for reply within 2 nd month	<input type="checkbox"/>																																																																																													
1253 980	Extension for reply within 3 rd month	<input type="checkbox"/>																																																																																													
1254 1,530	Extension for reply within 4 th month	<input type="checkbox"/>																																																																																													
1255 2,080	Extension for reply within 5 th month	<input type="checkbox"/>																																																																																													
1401 340	Notice of Appeal	<input type="checkbox"/>																																																																																													
1402 340	Filing a brief in support of an appeal	<input type="checkbox"/>																																																																																													
1403 300	Request for oral hearing	<input type="checkbox"/>																																																																																													
1451 1,510	Petition to institute a public use proceeding	<input type="checkbox"/>																																																																																													
1452 110	Petition to revive - unavoidable	<input type="checkbox"/>																																																																																													
1453 1,370	Petition to revive - unintentional	<input type="checkbox"/>																																																																																													
1501 1,370	Utility issue fee (or reissue)	<input type="checkbox"/>																																																																																													
1502 490	Design issue fee	<input type="checkbox"/>																																																																																													
1460 130	Petitions to the Commissioner	<input type="checkbox"/>																																																																																													
1807 50	Processing fee under 37 C.F.R. 1.17(q)	<input type="checkbox"/>																																																																																													
1806 180	Submission of Information Disclosure Statement	<input type="checkbox"/>																																																																																													
1809 790	Filing a submission after final rejection (37 CFR § 1.129(a))	<input type="checkbox"/>																																																																																													
1810 790	For each additional invention to be examined (37 CFR § 1.129(b))	<input type="checkbox"/>																																																																																													
1801 790	Request for Continued Examination (RCE)	<input type="checkbox"/>																																																																																													
1802 900	Request for expedited examination of a design application	<input type="checkbox"/>																																																																																													
1454 1370	Acceptance of unintentionally delayed claim for priority under 35 U.S.C. 119, 120, 121, or 365 (a) or (c)	<input type="checkbox"/>																																																																																													
Other fee (specify) <u>Terminal Disclaimer</u> <input checked="" type="checkbox"/>																																																																																															
Other fee (specify) _____ <input type="checkbox"/>																																																																																															
SUBTOTAL (1) (\$)			SUBTOTAL(3) (\$)																																																																																												

SUBTOTAL (2) (\$)

* Reduced by Basic Filing Fee Paid

SUBTOTAL(3) (\$)

SUBMITTED BY		Complete (if applicable)		
Name (Print/Type)	Angela Marie Stone	Registration No. (Attorney/Agent)	41,335	Telephone (513) 634-9397
Signature	<u>Angela Marie Stone</u>		Date	October 4, 2004

+ This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

FeeTrans.doc (Revised for P&G use 10/1/2004)